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Patent
45198.00016.DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Applicant: Erion et al.

Serial No.: 10/780,948

Filed: February 17, 2004

**For: COMBINATION OF FBPase
INHIBITORS AND INSULIN
SENSITIZERS FOR THE TREATMENT
OF DIABETES**

)
) **Group Art Unit:** 1614

)
) **Examiner:** Not yet assigned.

TRANSMITTAL LETTER

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed are the following documents:

- Information Disclosure Statement;
- Form PTO/SB/08A; and
- Return Postcard.

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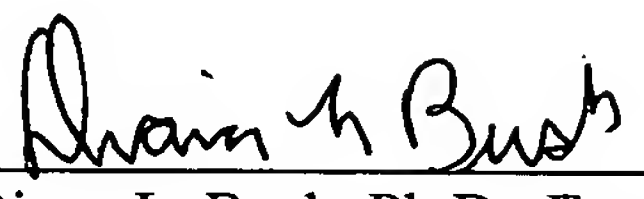
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Respectfully submitted,

Dated: 5/20/04

By: 
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Reg. No. 51,109

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**INFORMATION DISCLOSURE STATEMENT UNDER
37 CFR § 1.97 (B)(3)**

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with the Applicant's duty under 37 CFR § 1.56, the following information is brought to the attention of the Examiner. The items are listed on the attached form PTO-1449 and copies of the references have previously been submitted in the parent cases.

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The items identified in this Information Disclosure Statement (IDS) may or may not be “material” pursuant to 37 CFR § 1.56 and the submission thereof by Applicant shall not be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as “prior art” under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

The filing of this IDS shall not be construed to mean that a search has been made or that no other material information, as defined in 37 CFR § 1.56, exists.

The attached IDS is being filed in accordance with 37 CFR §§ 1.97 and 1.98. This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b)(3), that is before the mailing of a first Office Action on the merits. Thus, no petition or fee is required. However, if the undersigned representative of Applicant is in error in this regard, then the Examiner is requested to consider this IDS as filed under § 1.97(c) and is further authorized to charge any fee required by the filing of these papers to Paul, Hastings, Janofsky & Walker’s Deposit Account No. **50-2613**.

Respectfully submitted,

Dated: 5/20/04

By: Diana L. Bush
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Application Number	10/780,948
Filing Date	February 17, 2004
First Named Inventor	Erion et al.
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Examiner Name	Not yet assigned
Attorney Docket Number	45198.00016.DIV

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		4,728,739		Kees et al.	03/01/88	
		4,791,125		Clark	12/13/88	
		4,968,790		De Vries et al.	11/06/90	
		5,236,941		Zask et al.	08/17/93	
		5,457,109		Antonucci et al.	10/10/95	
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		Office ³	Number ⁴	Kind Code ⁵ (if known)				
		CA	2 173 660 A1		Kallam et al.	04/09/96		
		JP	07-002852 A2		Yoshioka et al.	01/06/95		
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		EP	0 129 747 A2		Hasler et al.	06/05/84		
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		EP	0 787 727 A1		Nagao et al.	08/06/97		

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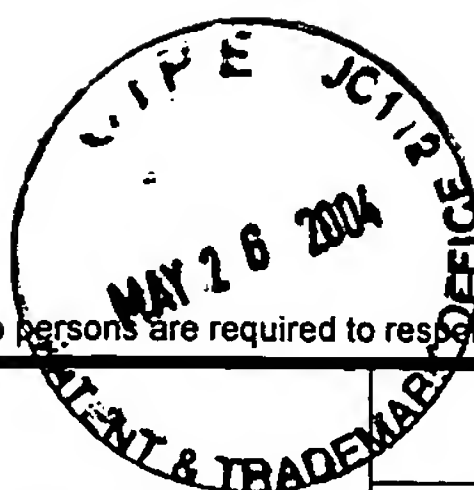
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	EP	0 861 666 A2		Ikeda et al.	09/02/98		
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	WO	98/39344 A1		Dang et al.	09/11/98		

NON PATENT LITERATURE DOCUMENTS

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		Amri et al., "Regulation of adipose cell differentiation. I. Fatty acids are inducers of the aP2 gene expression," <u>J. Lipid Res.</u> , 32:1449-1456 (1991).	
		Brown et al., "A novel N-aryl tyrosine activator of peroxisome proliferator-activated receptor- γ reverses the diabetic phenotype of the Zucker diabetic fatty rat," <u>Diabetes</u> , 48:1415-1424 (1999).	
		Clark et al., "Substituted dihydrobenzopyran and dihydrobenzofuran thiazolidine-2,4-diones as hypoglycemic agents," <u>J. Med. Chem.</u> , 34:319-325 (1991).	
		Folli et al., "Angiotensin II inhibits insulin signaling in aortic smooth muscle cells at multiple levels," <u>J. Clin. Invest.</u> , 100(9):2158-2169 (1997).	
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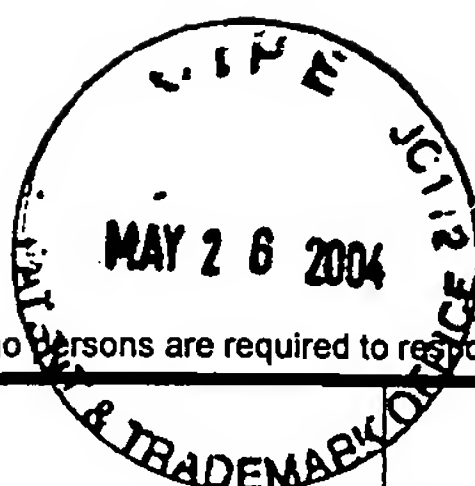
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		Glucksmann et al., "novel mutations and a mutational hotspot in the MODY3 gene," <u>Diabetes</u> , 46:1081-1086 (1997).	
		Grimaldi et al., "Induction of a P2 gene expression by nonmetabolized long-chain fatty acids," <u>Proc. Natl. Sci. USA</u> , 89:10930-10934 (1992).	
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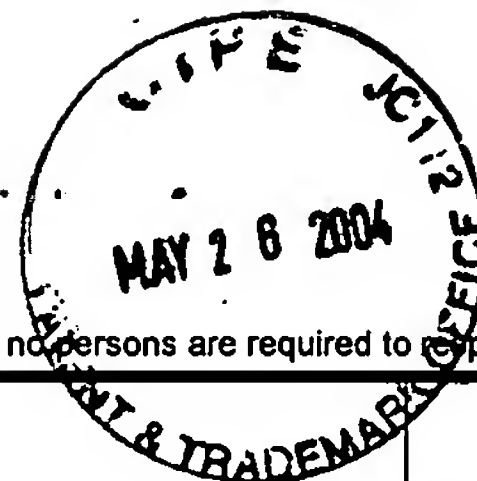
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		Tontonoz et al., "Stimulation of Adipogenesis in fibroblasts by PPARY2, a lipid-activated transcription factor," <u>Cell</u> , 79:1147-1159 (1994).	
		Tontonoz et al., "mPPAR γ 2: Tissue specific regulator of an adipocyte enhancer," <u>Gene and Development</u> , 8:1224-1234 (1994).	
		Torlone et al., "Improved insulin action and glycemic control after long-term angiotensin-converting enzyme inhibition in subjects with arterial hypertension and type II diabetes," <u>Diabetes Care</u> , 16(10):1347-1355 (1993).	
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		Willson et al., "The structure-activity relationship between peroxisome proliferators-activated receptor γ agonism and the antihyperglycemic activity of thiazolidinediones," <u>J. Med. Chem.</u> , 39:665-668 (1996).	
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		<u>Diabetologia</u> , 36 (Suppl.):182A (1993).	
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